FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAR 08 2016 nm

MATTHEW J. DYKMAN
CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CRIMINAL NO. 15-4302 MCA
	)	
vs.	)	Counts 1 and 3: 21 U.S.C. §§ 841(a)(1)
	)	and (b)(1)(C): Distribution of Heroin;
DAVON LYMON,	)	
	)	Count 2: 18 U.S.C. §§ 922(g)(1) and
Defendant.	)	924(a)(2): Felon in Possession of a
	)	Firearm.

SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

On or about September 11, 2015, in Bernalillo County, in the District of New Mexico, the defendant, **DAVON LYMON,** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of heroin.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 2

On or about October 2, 2015, in Bernalillo County, in the District of New Mexico, the defendant, **DAVON LYMON**, having been convicted of felony crimes punishable by imprisonment for a term exceeding one year:

(1) forgery,

(2) voluntary manslaughter,

(3) aggravated battery with a deadly weapon (with great bodily harm), and

(4) conspiracy to commit aggravated battery with a deadly weapon (with great bodily harm),

knowingly possessed, in and affecting commerce, a firearm, a Herbert Schmidt, model HM21 .22 caliber revolver, serial number 219165.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

Count 3

On or about October 2, 2015, in Bernalillo County, in the District of New Mexico, the defendant, **DAVON LYMON,** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of heroin.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

FORFEITURE ALLEGATIONS

Counts 1 through 3 of this indictment are incorporated as part of this section of the indictment as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 21 U.S.C. § 853.

Upon conviction of any offense in violation of 21 U.S.C. § 841 or 18 U.S.C. § 846, the defendant, **DAVON LYMAN**, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense for which the defendant is convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense(s) of conviction.

The property to be forfeited to the United States includes, but is not limited to, the following:

MONEY JUDGMENT

A sum of money equal to at least $6,500.00 in U.S. Currency, including any interest accruing to the date of the judgment, representing the amount of money derived from or involved in the offense(s), or traceable to property involved in the offense(s).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

3/2/2016 3:21 PM